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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------|------------------|
| 10/665,472  | 09/22/2003  | Sylvia Monsheimer    | 241254US0             | 5517             |
| 22850   | 7590        | 10/19/2005           | EXAMINER              |                  |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | LECHERT JR, STEPHEN J |                  |
|   |             |                      | ART UNIT              | PAPER NUMBER     |
|   |             |                      | 1732                  |                  |

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

if L

|                              |   |  |  |
|------------------------------|---|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/665,472      | <b>Applicant(s)</b><br>MONSHEIMER ET AL. |  |
|                              | <b>Examiner</b><br>Stephen J. Lechert Jr. | <b>Art Unit</b><br>1732                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-21, 25 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-26 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3-8-2004, 6-15-2004</u> . | 6) <input type="checkbox"/> Other: _____  |

Handwritten signature/initials.

**DETAILED ACTION**

**1. Applicant's election with traverse of Group II in the reply filed on 8-30-2005 is acknowledged. The traversal is on the ground(s) that a 3 sub-class is not a burden. Applicant is advised that it is not 3 subclasses within the same class, it is 3 different classes. The indicated subclass is for classification purposes only not for providing a complete search of the respected classes. There is a burden where there are multiple classes and subclasses for search the inventions are distinct. With respect to Groups II and III being combination/sub-combination. This is not found persuasive because the groups are two distinct compositions, therefore, two distinct inventions they are unrelated. One group is a product of a molding process. The other group (group III) is a starting material or a distinct material or pulverent material, there is no requirement that this invention has to be molded or made into a molded product.**

**The requirement is still deemed proper and is therefore made FINAL.**

**2. Action on the merits of group II, claims 22-24 follows:**

**3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

**A person shall be entitled to a patent unless –**

**(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.**

**4. Claims 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Paschke et al.[USP 4,393,162]**

**Paschke et al. teach a molded object comprising a co-polyamide and glass beads. [Note claims 14 and 15]**

**5. Claims 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Chiba et al.**

**Chiba et al. teach a molded object comprising a co-polyamide and glass beads. [Note claim 5]**

**6. Claims 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Uedda et al.**

**Uedda et al. teaches a sheet of material comprising a nylon and glass beads. [Note Claims 6 and 7]**

**7. Claims 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Buehler et al.**

**Buehler et al. teaches a molding comprising co polyamide and glass beads. [Note Claims 6 and 14]**

**8. Claims 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Martens et al.**

**Martens et al. teaches a molding comprising a co polyamide and glass beads. [Note Claims 2 and 3]**

**9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).**

**A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).**

**Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).**

**10. Claims 22-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 22, 26 and 27 of copending Application No. 10/637,637. Although the conflicting claims are not identical, they are not patentably distinct from each other because both inventions claim a molded product comprising nylon, co polyamides or co polyesters with glass beads. The molded product is the same the difference rests in the process of making the molded product and product produced by a different process is either inherently the same or obviously the same.**

**This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.**

**11. Claims 22-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 17, 21 and 22 of copending Application No. 10/685,525. Although the conflicting claims are not identical, they are not patentably distinct from each other because both inventions claim a molded product comprising nylon, co polyamides or co polyesters**

**with glass beads. The molded product is the same the difference rests in the process of making the molded product and product produced by a different process is either inherently the same or obviously the same.**

**This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.**

**12. Claims 22-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19, 23, 24-25 of copending Application No. 10/799,875. Although the conflicting claims are not identical, they are not patentably distinct from each other because both inventions claim a molded product comprising nylon, co polyamides or co polyesters with glass beads. The molded product is the same the difference rests in the process of making the molded product and product produced by a different process is either inherently the same or obviously the same.**

**This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.**

**13. Claims 22-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 29, 34 and 35 of copending Application No. 10/901,204. Although the conflicting claims are not identical, they are not patentably distinct from each other because both inventions claim a molded product comprising nylon, co polyamides or co polyesters with glass beads. The molded product is the same the difference rests in the process of making the molded product and product produced by a different process is either inherently the same or obviously the same.**

**This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.**

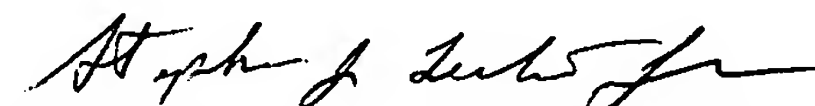
**14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Lechert Jr. whose telephone number is 571-272-1203. The examiner can normally be reached on 9:30-6:00.**

**If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on**



**571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.**

**Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).**

  
**Stephen J. Lechert Jr.**  
**Primary Examiner**  
**Art Unit 1732**